REMARKS/ARGUMENTS

In further response to the earlier restriction requirement, claims 12, 14-30, and 33 are now cancelled without prejudice, as requested by the Examiner. The Applicant reserves the right to represent these claims in a divisional or continuation application to be filed at a later date.

The Examiner has now rejected claims 1, 3, 6, 7, 9, 10, 34-39, 43, and 44 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0085946 to Morita et al. ("Morita"). The Applicant has carefully considered the Examiner's rejection, but respectfully disagrees with the Examiner for the reasons that follow.

Claim 1 concerns a method of transmitting information in an unsynchronized Orthogonal Frequency Division Multiplexing (OFDM) communication network. In contrast, Morita concerns multicarrier Code Division Multiple Access (CDMA) systems, and therefore, at the very outset, diverges from the subject matter of the present application. Those skilled in the art will appreciate that CDMA varies substantially from OFDM. While CDMA may apply some aspects of OFDM, the two are not the same. Therefore, since Morita is concerned with CDMA systems, Morita is not focused on the same subject matter recited in claim 1.

Claim 1 recites, *inter alia*, modulating access channel information onto a predetermined initial access channel of an OFDM communications signal, wherein the access channel information comprises a common synchronization code that is common to each of the plurality of base stations **and** a cell-specific synchronization code that is orthogonal to the common synchronization code and unique to each base station. The Examiner points to the primary synchronization code and the secondary synchronization code of Morita with respect to the claimed common synchronization code and cell-specific synchronization code. Morita does not teach or suggest that the primary synchronization code is common to each of a plurality of base stations, as claimed. Further, Morita does not teach or suggest that the secondary synchronization code is unique to each base station, as claimed. In contrast, the primary synchronization code of

Morita is for achieving frame synchronization and is added to a scrambled frame, whereas the secondary synchronization code is for identifying a scrambling code group and is added to the frame for which a primary synchronization code has been added.

Further, Morita does not teach or suggest a cell-specific synchronization code that is orthogonal to a common synchronization code. The Examiner points to paragraph 49 of Morita in this regard, which states that the secondary synchronization code of Morita should be an orthogonal code, which minimizes the likelihood of correlation with other secondary codes. (emphasis added) Even if the primary synchronization code of Morita is similar to the claimed common synchronization code, with which the Applicant strongly disagrees, and even if the secondary synchronization code of Morita is similar to the claimed cell-specific synchronization code, with which the Applicant strongly disagrees, Morita does not teach or suggest that the primary and secondary synchronization codes are orthogonal, as the Examiner alleges.

In summary, it is submitted that claim 1 is patentable over Morita because Morita fails to teach or suggest all of the features recited in claim 1, according to the arrangement recited by claim 1. Independent claims 34, 43, and 45 recite similar features and are patent over Morita for the same reasons. Claims 3, 6, 7, 9, 10, 35, 37, 38, 39, 44, and 46 depend, either directly or indirectly, from claims 1, 34, 43 and 45 and are patentable for the same reasons.

Favourable reconsideration and allowance of the application are respectfully requested. Should the Examiner have any questions in connection with the Applicant's submissions, the Examiner is invited to contact the undersigned.

Respectfully submitted,

OGILVY RENAULT LLP

By _____
Michael Van Eesbeek
Registration No. 61,951

Date: October 27, 2008

Telephone (416) 216-4020
Fax (216) 216-3930

OGILVY RENAULT LLP
Suite 3800, Royal Bank Plaza, South Tower
200 Bay Street, P.O. Box 84
Toronto, Ontario M5J 2Z4
Canada